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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,259	03/26/2004	Glenna G. Mayo	200310943-1	1655

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HEWLETT PACKARD COMPANY  
P O BOX 272400, 3404 E. HARMONY ROAD  
INTELLECTUAL PROPERTY ADMINISTRATION  
FORT COLLINS, CO 80527-2400

EXAMINER
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PANNALA, SATHYANARAYA R

ART UNIT	PAPER NUMBER
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2164

NOTIFICATION DATE	DELIVERY MODE
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05/01/2009

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

JERRY.SHORMA@HP.COM  
ipa.mail@hp.com  
jessica.l.fusek@hp.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/811,259	<b>Applicant(s)</b> MAYO ET AL.	
	<b>Examiner</b> Sathyanarayan Pannala	<b>Art Unit</b> 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Reopened***

1. In view of the Appeal Brief filed on 4/18/2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below. To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 as (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below: /Charles Rones/

Supervisory Patent Examiner, Art Unit 2164

2. In this Office Action, claims 1-29 are pending.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-3, 5, 7, 15, 17-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klug et al. (US Patent 6,615,251) hereinafter Klug, and in view of Madsen (US Patent 6,941,338) hereinafter Madsen.

5. As per independent claim 1, Klug teaches a communications network in which the present invention may be implemented is generally identified by the reference numeral 10. The network 10 includes a user node 12, a selected website 16, and a browser 18 that communicate via the Internet 14. The selected website 16 may be any website associated with the Internet 14 (Fig. 1, col. 7, lines 31-38). Klug teaches the claimed, a web server interface that couples one or more guests to the Internet (Fig. 2, col. 3, lines 30-32 and col. 10, lines 20-24, (user as subscriber)). Klug teaches the claimed, a usage collector application that monitors usage of all of said guests (Fig. 3, col. 10, lines 25-28). Klug does not teach explicitly web pages cached in local memory of the access point. However, Madsen teaches the claimed, web cache software that caches web pages that may be of interest to one or more guests in a local memory of the access point (Fig. 3, col. 4, lines 22-41). Madsen also teaches the claimed, the access point is a single device that links one or more guests on personal computers to a broadband or telephone connector from which Internet access is obtained for the personal computers (Fig. 3, col. 4, lines 9-21). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Madsen's teachings would have allowed Klug's method to provide a greatly improved response time of the wireless when the requested file or an object is available from the cache, which is provided by the base station to the user instead of going through backhaul or over the digital data network (col. 3, lines 41-46).

6. As per dependent claim 2, Klug and Madsen combined teaches claim 1. Madsen teaches the claimed, the web cache software predicts web pages that are of interest to a guest based on that guest's usage pattern, and caches those pages in local memory (Fig. 3, col. 5, lines 27-33).

7. As per dependent claim 3, Klug teaches the claimed, the web cache software initiates a signal to the guest indicating that the cached pages are available for viewing (Fig. 3, col. 10, lines 37-40).

8. As per dependent claim 5, Klug teaches the claimed, each of said guests includes an identification mechanism which is used by said usage collector to compile usage information specific to each guest (Fig. 3, col. 4, lines 9-21).

9. As per dependent claim 7, Klug teaches the claimed, the local monitor couples to a remote monitor to provide the further analysis of the usage information to the remote monitor (Fig. 5, col. 12, lines 58-61).

10. As per dependent claim 8, Klug teaches the claimed, a diagnostic application that launches when the usage collector detects an abnormality (Fig. 5, col. 14, lines 26-34).

11. As per dependent claim 9, Klug teaches the claimed, a management application that configures the local monitor to provide summary information to the remote monitor (Fig. 2, col. 4, line 66 to col. 5, line 7).

12. As per dependent claim 10, Klug teaches the claimed, a management application that requests programs from the remote monitor based on the result of diagnostic application (Fig. 5, col. 14, lines 26-34).

13. As per dependent claim 11, Klug and Madsen combined teaches claim 1. Klug teaches the claimed, the web cache application, diagnostic application, and management application are dynamically modified based on guest usage (Fig. 5, col. 12, lines 35-44).

14. As per independent claim 12, Klug teaches a communications network in which the present invention may be implemented is generally identified by the reference numeral 10. The network 10 includes a user node 12, a selected website 16, and a browser 18 that communicate via the Internet 14. The selected website 16 may be any website associated with the Internet 14 (Fig. 1, col. 7, lines 31-38). Klug teaches the claimed, detecting at an access point a request for Internet access from a guest on a personal computing device (Fig. 1, col. 7, lines 41-46 and col. 10, lines 20-24, (user as subscriber)). Klug teaches the claimed, monitoring at the access point usage patterns of the guest (Fig. 3, col. 10, lines 25-28). Klug does not explicitly teach predicting

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information of interest for the guest. However, Madsen teaches the claimed, predicting information that is of interest for the guest based on the guest's usage patterns (Fig. 3, col. 5, lines 34-36). Madsen also teaches the claimed, locally caching in the access point the information that is of interest to the guest, prior to the time that the guest requests the information (Fig. 3, col. 4, lines 22-41), Madsen also teaches the claimed, the access point being a single device that links the guest on the personal computing device to a broadband or telephone connector from which Internet access is obtained for the personal computing device (Fig. 3, col. 4, lines 9-21). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Madsen's teachings would have allowed Klug's method to provide a greatly improved response time of the wireless when the requested file or an object is available from the cache, which is provided by the base station to the user instead of going through backhaul or over the digital data network (col. 3, lines 41-46).

15. As per dependent claim 13, Klug and Madsen combined teaches claim 12.

Madsen teaches the claimed, transmitting information relating to the guest's usage patterns to a remote server, and analyzing the guest's usage patterns at the remote server using artificial intelligence software, and correlating the guest's usage patterns with previously detected usage patterns to predict future usage patterns of the guest (Fig. 5, col. 5, lines 34-51).



16. As per dependent claim 14, Klug and Madsen combined teaches claim 12.

Madsen teaches the claimed, the act of predicting includes proactively caching web sites that the access point predicts the guest will want based on a topic for which the guest previously selected web sites. (Fig. 3, col. 5, lines 37-44).

17. As per dependent claim 15, Klug and Madsen combined teaches claim 12.

Madsen teaches the claimed, the act of predicting includes considering usage patterns of other guests (Fig. 3, col. 5, lines 27-33).

18. As per independent claim 17, Klug teaches a communications network in which the present invention may be implemented is generally identified by the reference numeral 10. The network 10 includes a user node 12, a selected website 16, and a browser 18 that communicate via the Internet 14. The selected website 16 may be any website associated with the Internet 14 (Fig. 1, col. 7, lines 31-38). Klug teaches the claimed, a plurality of access points that provide Internet access for one or more guests, each of said access points being a single device and including a web server interface and a usage collector application, with the usage collector application detecting information relating to guest usage (Fig. 2, col. 3, lines 30-32; col. 10, lines 20-24, (user as subscriber) and Fig. 3, col. 10, lines 25-28). Klug teaches the claimed, a remote management server that couples to said plurality of access points via the Internet, said remote server including a remote monitor and a database (Fig. 5, col. 12, lines 51-61). Klug teaches the claimed, the information relating to guest usage is transferred from the

plurality of access points to the remote management server (Fig. 5, col. 13, lines 17-35). Klug does not teach explicitly analyze guest usage. However, Madsen teaches the claimed, the remote management server analyzes the guest usage using software stored in said database to detect usage patterns (Fig. 3, col. 4, lines 22-41), and Madsen also teaches the claimed, the remote monitor downloads information to one or more access points to enhance the operation of the access point based on the detected usage pattern, on personal computers to a broadband or telephone connector from which Internet access is obtained for the personal computers (Fig.2-3, col. 4, lines 9-21 and col. 2, lines 2-15). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Madsen's teachings would have allowed Klug's method to provide a greatly improved response time of the wireless when the requested file or an object is available from the cache, which is provided by the base station to the user instead of going through backhaul or over the digital data network (col. 3, lines 41-46).

19. As per dependent claim 18, Klug teaches the claimed, the usage collector application also detects information relating to system usage, and said information relating to system usage also is transferred to the remote management server for analysis (Fig. 3, col. 10, lines 25-28).

20. As per dependent claim 19, Klug and Madsen combined teaches claim 17. Madsen teaches the claimed, at least one of the access points is a wireless access

point that couples to the one or more guests via a wireless transmission medium (Fig. 3, col. 4, lines 9-21).

21. As per dependent claim 20, Klug and Madsen combined teaches claim 17. Madsen teaches the claimed, the software stored in the database and used to detect usage patterns comprises artificial intelligence software (Fig. 3, col. 5, lines 27-31).

22. As per dependent claim 21, Klug and Madsen combined teaches claim 17. Madsen teaches the claimed, the artificial intelligence software predicts web pages that are of interest to guests based on usage patterns, and the access points include a web cache application for locally caching web pages predicted to be of interest to guests (Fig. 3, col. 5, lines 34-51).

23. As per dependent claim 22, Klug teaches the claimed, the artificial intelligence software detects improper activity based on usage patterns, and provides instructions to an access point to take corrective action to minimize the effect of the improper activity (Fig. 5, col. 13, lines 17-35).

24. As per dependent claim 23, Klug teaches the claimed, the access points include a diagnostic application that analyzes the access points to detect possible errors (Fig. 5, col. 27, lines 24-31).

25. As per dependent claim 24, Klug teaches the claimed, the diagnostic software signals the remote monitor to download a program to an access point to assist in resolving a detected error condition (Fig. 5, col. 27, lines 24-31).

26. As per independent claim 25, Klug teaches a communications network in which the present invention may be implemented is generally identified by the reference numeral 10. The network 10 includes a user node 12, a selected website 16, and a browser 18 that communicate via the Internet 14. The selected website 16 may be any website associated with the Internet 14 (Fig. 1, col. 7, lines 31-38). Klug teaches the claimed, interfacing said access point with the multiple guests, and coupling the access point to the Internet (Fig. 2, col. 3, lines 30-32 and col. 10, lines 20-24, (user as subscriber)). Klug teaches the claimed, monitoring requests made by a guest to collect information on a guest's usage (Fig. 3, col. 10, lines 25-28). Klug does not explicitly teach storing contents in access point local memory. However, Madsen teaches the claimed, in said access point for locally storing content that is of interest to the user (Fig. 3, col. 4, lines 22-41). Madsen also teaches the claimed, the access point is a single device that links multiple guests on personal computers to a broadband or telephone connector from which Internet access is obtained for the personal computers (Fig. 3, col. 4, lines 9-21). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Madsen's teachings would have allowed Klug's method to provide a greatly improved response time of the wireless when the requested file or an

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object is available from the cache, which is provided by the base station to the user instead of going through backhaul or over the digital data network (col. 3, lines 41-46).

27. As per dependent claim 26, Klug teaches the claimed, monitoring requests also monitors operational parameters related to said access point (Fig. 3, col. 10, lines 25-28).

28. As per dependent claim 27, Klug teaches the claimed, diagnosing malfunctions of said access point (Fig. 3, col. 10, lines 25-28).

29. As per dependent claim 28, Klug teaches the claimed, managing said access point (Fig. 3, col. 10, lines 25-31).

30. As per dependent claim 29, Klug teaches the claimed, diagnosing means, and managing means are dynamically modified based on the guest's usage detected by said monitoring means (Fig. 5, col. 13, lines 17-35).

31. Claims 4, 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Klug et al. (US Patent 6,615,251) hereinafter Klug, in view of Madsen (US Patent 6,941,338) hereinafter Madsen and further in view of Kasriel et al. (US Patent 6,963,874) hereinafter Kasriel.

32. As per dependent claim 4, Klug and Madsen combined teaches claim 1. Klug and Madsen does not explicitly teach the claimed, However, Kasriel teaches the claimed, a diagnostic application that identifies a cause for an increase in access time to retrieve a web site, and a management application that downloads a patch to the access point to correct the increase in access time to retrieve the web site (Fig. 3a, col. 7, lines 46-51). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Kasriel's teachings would have allowed Klug's method to provide a data collection and reporting system that facilitates an evaluation of web-page's performance with memory requirements (col. 2, lines 46-48).

33. As per dependent claim 6, Klug teaches the claimed, a local monitor that collects usage information from the usage collector application and provides further analysis of the usage information (Fig. 3, col. 10, lines 25-28). Klug and Madsen do not explicitly teach generating a summary report for a web page. However, Kasriel teaches the claimed, generates a summary page of system status information and errors detected since the access point was last accessed by a remote server (Fig. 3a, col. 7, lines 1-4). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Kasriel's teachings would have allowed Klug's method to provide a data collection and reporting system that facilitates an evaluation of web-page's performance with memory requirements (col. 2, lines 46-48).

34. As per dependent claim 16, Klug and Madsen combined teaches claim 12. Klug and Madsen do not explicitly teach identifying problem. However, Kasriel's teaches the claimed, identifying an error or sub-optimal condition in the access point and automatically downloading a patch to fix the error or the sub-optimal condition (Fig. 4C, col. 8, lines 15-28). Thus, it would have been obvious to one of ordinary skill in the data processing art at the time of the invention, to have combined the teachings of the cited references because Kasriel's teachings would have allowed Klug's method to provide a data collection and reporting system that facilitates an evaluation of web-page's performance with memory requirements (col. 2, lines 46-48).

### ***Response to Arguments***

35. Applicant's arguments in the Appeal Brief filed on 12/31/2008 with respect to 1-29 have been considered but are moot in view of the new grounds of rejection.

### ***Contact Information***

36. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (571) 272-4115. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Rones can be reached on (571) 272-4085. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sathyanarayan Pannala/  
Primary Examiner, Art Unit 2164

srp  
April 24, 2009